

Document 8 Filed 11/20
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FILED

07 NOV 20 PM 2:56

CHARLES W. WILBURG
CLERK, U.S. DISTRICT COURT
HONORABLE JUDGE, U.S. DISTRICT COURT, CALIFORNIA

5 Attorneys for Defendants
6 SMITHKLINE BEECHAM CORPORATION dba
GLAXOSMITHKLINE and McKESSON
CORPORATION

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10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 | GEORGE FISHER,

Plaintiff,

V.

15 SMITHKLINE BEECHAM
CORPORATION dba
16 GLAXOSMITHKLINE and McKESSON
CORPORATION.

Defendants.

CV 07
Case No.

Case No.

5889

**NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING
[CIV. L.R. 3-13]**

Pursuant to Civil L.R. 3-13, defendants SMITHKLINE BEECHAM CORPORATION dba GLAXOSMITHKLINE (“GSK”) and McKESSON CORPORATION (“McKesson”) submit the following Notice of Pendency of Other Action or Proceeding:

On October 16, 2007, the Judicial Panel on Multidistrict Litigation (“JPML”) created MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, directing that then-pending Avandia®-related cases be transferred and coordinated for pretrial proceedings in the United States District Court for the Eastern District of Pennsylvania, before the Honorable Cynthia M. Rufe, pursuant to 28 U.S.C.

1 §1407. To date, nearly 30 cases have been transferred to MDL 1871, and transfers of
 2 additional “tag-along” actions are pending. GSK seeks the transfer of this action to MDL
 3 1871. Pursuant to Civil L.R. 3-13, GSK therefore respectfully requests that this Court
 4 stay this action, pending a decision on transfer by the JPML, to achieve judicial
 5 economies that underlie 28 U.S.C. Section 1407 (Multi-District Litigation Procedures)
 6 and to avoid conflicts, conserve judicial resources, and promote an efficient
 7 determination of the action.

8 GSK is simultaneously removing to this Court, the following actions entitled:

9 1. *Bone, Dorothy et al. v. Smithkline Beecham Corporation d/b/a*
 10 *GlaxoSmithKline, and McKesson Corporation*, Superior Court of California, County of
 11 San Francisco, Case No. CGC 468363;

12 2. *Hall, James v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline*
 13 *and McKesson Corporation*, San Francisco Superior Court Case No. CGC 07-468088,
 14 and request a stay of this action, on these same grounds.

15 3. *Fisher, George v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline,*
 16 *and McKesson Corporation*, Superior Court of California, County of San Francisco, Case
 17 No. CGC 07-468086;

18 4. *Jefferson, James v. Smithkline Beecham Corporation d/b/a*
 19 *GlaxoSmithKline, and McKesson Corporation*, Superior Court of California, County of
 20 San Francisco, Case No. CGC 468078;

21 5. *Thornton, Hector v. Smithkline Beecham Corporation d/b/a*
 22 *GlaxoSmithKline, and McKesson Corporation*, Superior Court of California, County of
 23 San Francisco, Case No. CGC 468089; and

24 6. *Upshaw, Ivan v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline,*
 25 *and McKesson Corporation*, Superior Court of California, County of San Francisco, Case
 26 No. CGC 468090.

27 Please take note that, in addition to MDL 1871, the following state court actions
 28 also allege marketing, sales practice and/or product liability claims against Smithkline

Beecham Corporation d/b/a GlaxoSmithKline, related to the use of the prescription drug Avandia:

1. *Boone, Leslie v. GlaxoSmithKline, Smithkline Beecham Corporation, Smithkline Beecham Corporation d/b/a GlaxoSmithKline, McKesson Corporation, and Does 1 -100*, Superior Court of California, County of Los Angeles, Case No. BC 379063;

2. *Hunter, Raymond v. GlaxSmithKline et al.*, Court of Common Pleas,
Philadelphia County, No. 000574;

3. *Kozar, Agnes, Kozar, Francis A. (Estate of) v. GlaxoSmithKline, PLC*,
Court of Common Pleas, Philadelphia County, No.004897;

4. *Lloyd, Linda, Lloyd, Michael (Estate of) v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline*, Third Judicial Circuit, Salt Lake County, Utah, Case No. 070913924;

5. *Mussman, Gustave; Mussman, Donna v. GlaxoSmithKline, PLC, and GlaxoSmithKline USA*, Court of Common Pleas, Philadelphia County, No. 001073:

6. *Parks, Josephine v. SmithKline Beecham Corporation, et al.*, Court of Common Pleas, Philadelphia County, No. 001670;

7. *Perrenot, Preseton v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002454; and

8. *Self, Joe v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002457

Dated: November 10, 2007

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